

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6045

BILL NUMBER: SB 389

NOTE PREPARED: Feb 16, 2009

BILL AMENDED: Feb 12, 2009

SUBJECT: Traffic Infraction Detection Systems.

FIRST AUTHOR: Sen. Rogers

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill:

- (1) allows a county, city or town to adopt and enforce an ordinance that regulates the placement and use of traffic infraction detection systems on all local, county, and state highways within its municipal boundaries;
- (2) requires dismissal of a citation based on a traffic infraction detection system that does not comply with installation, maintenance, or operational requirements;
- (3) prohibits a violation based on a report from a traffic infraction detection system from being used to determine insurance rates;
- (4) requires that the civil penalty imposed for a violation based on a report from a traffic infraction detection system be applied to defray the cost of the system, and that remaining funds be deposited in the local road and street fund, the county or local law enforcement continuing education fund, and the local police equipment fund;
- (5) makes conforming changes; and
- (6) repeals a superseded definition.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) The fiscal impact of establishing a traffic infraction detection program which allows a municipality to install a traffic infraction detection system will depend upon the type of system implemented and the extent to which the local unit is required to purchase and

maintain equipment, along with the anticipated revenue stream.

In addition, the bill requires local authorities to install advance warning signs along the roadway proceeding to the intersection at which an automated camera is installed. The cost for the signs will depend upon the number of signs needed. The cost for one sign is estimated to be about \$105.

Explanation of Local Revenues: (Revised) The bill provides that a municipality's ordinance: (A) may not impose a civil penalty greater than \$100. The civil penalty revenue is to be used to defray the cost of installation, operation, and maintenance of the traffic detection system, and the remaining revenue is to be deposited as follows: (a) 50% shall be deposited in the Local Road and Street Account; (b) 25% into the County Law Enforcement Continuing Education Fund if the ordinance is adopted by a county; or the Local Law Enforcement Continuing Education Fund if the ordinance is adopted by a city or town; and (c) 25% into the local Police Equipment Fund. Local revenue will depend on the design and implementation of the specific programs and ordinances and will vary by locality

Background Information: "Automated traffic law enforcement system" means a device that has one or more motor vehicle sensors working in conjunction with a traffic control signal that exhibits a steady red light or an illuminated flashing red light and that is capable of producing a photographically recorded image of a motor vehicle's rear license plate as the vehicle proceeds through an intersection.

The City of New York has a program which utilizes cameras to record violations of motorists proceeding through the intersection, contrary to the requirement to stop at a red light. This type of program is commonly referred to as a "Red Light Running program." In this program, the City of New York has contracted with Electronic Data Systems (EDS) who supplies and maintains the system. For this, EDS receives a portion of each fine assessed from the Red Light Running program. The City of New York receives the balance. Potential costs include the red light camera and sensors. Camera costs likely will range between \$50,000 and \$100,000, depending upon the type of camera. The Federal Highway Administration (FHWA) estimates that the installation and sensors cost about \$5,000. According to INDOT, there are camera companies who will lease red light cameras as well as sell them.

State Agencies Affected:

Local Agencies Affected: Those units which adopt the ordinance and install the traffic infraction detection system; recipients of Local Road and Street Account distributions.

Information Sources: John R. Di Lavore, Director, Red Light Camera Study Program, City of New York, 718-786-2233; Federal Highway Administration Web page; Ryan Gallagher, INDOT Division of Traffic Control Systems, 317-232-5545.

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